IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 11394 of 2004

Between:

A.V.Ramesh, s/o.Subba Rao,
R/o.Kodad Village & Mandal, Nalgonda District.

..... PETITIONER

AND

1 The S.H.O.,Kodad Rural Police Station, Kodad, Nalgonda

District.
2 The Dy.Commissioner of Proh.& Excise, Mahaboobnagar

Division, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction more particularly one in the nature of writ of Mandamus, to declare the action of the 1st respondent in seizing the 45 bags of black jaggery and 4 bags of Alum under Crime No.23/2004 as illegal, arbitrary and consequently direct the respondents herein to release the said stocks and pass.

Counsel for the Petitioner:MR.P.NAGESWARA RAO

Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE

The Court made the following O R D E R:

The petitioner seeks a writ of Mandamus declaring the action of the first respondent in seizing 45 bags of black jaggery and 4 bags of alum under Crime No.23 of 2004, as arbitrary and illegal.

It is represented by the learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise that similar matters have been disposed of by this Court with a direction to the Deputy Commissioner of Prohibition and Excise to consider the request of the petitioner for release of the seized black jaggery and to pass appropriate orders, in accordance with law.

In the circumstances, the writ petition is disposed of, granting liberty to the petitioner to make an appropriate application before the second respondent herein for release of the seized goods, within a period of two weeks from today. If such an application is made, the second respondent is directed to consider and dispose of the same on furnishing bank guarantee of the value of the goods as determined by him, in accordance with law, within a period of two weeks from the date of receipt of such application from the petitioner. No order as to costs.

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30-07-2004

Note:Furnish C.C in three days

B/o

Vrn

To

1 The S.H.O.,Kodad Rural Police Station, Kodad, Nalgonda

District.

2 The Dy.Commissioner of Proh.& Excise, Mahaboobnagar

Division, Mahaboobnagar District.

3 Two C.Cs to the Government Pleader for Prohibition & Excise,

High Court Buildings, A.P., Hyderabad (OUT)

4 Two C.D copies